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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SEVEN

THE PEOPLE,

Plaintiff and Respondent,

v.

TIMOTHY SELLERS,

Defendant and Appellant.

B195460

(Los Angeles County  
Super. Ct. No. VA096266)

APPEAL from a judgment of the Superior Court of Los Angeles County.

Larry S. Knupp, Judge. Affirmed.

Richard L. Fitzer, under appointment by the Court of Appeal, for Defendant  
and Appellant.

No appearance for Plaintiff and Respondent.

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Following the denial of his motion to suppress illegally seized evidence (Pen. Code, § 1538.5) Timothy Sellers entered a negotiated plea of no contest to possession of a controlled substance (methamphetamine) (Health & Saf. Code, §§ 11377, subd. (a)). Sellers admitted having suffered two prior serious or violent felony convictions within the meaning of the “Three Strikes” law (Pen. Code, §§ 667, subds. (b)-(i), 1170.12, subds. (a)-(d)). The trial court sentenced Sellers to a state prison term of 32 months (double the lower term of 16 months) and dismissed the second count of possession of a smoking device (Health & Saf. Code, § 11364, subd. (a)) and the special allegations of having served two separate prison terms for a felony (Pen. Code, § 667.5, subd. (b)) on the People’s motion. Sellers was awarded 159 days of presentence credit (107 actual days and 52 days of conduct credit). The court also imposed a \$200 restitution fine (Pen. Code, § 1202.4, subd. (b)), a \$20 court security fee (Pen. Code § 1465.8, subd. (a)(1)) and a \$100 lab fee (Health & Saf. Code, § 11372.5, subd. (a)). The court imposed and suspended a \$200 parole revocation fine. (Pen. Code, § 1202.45.)

On appeal, Sellers challenges the denial of his motion to suppress. The evidence adduced at the suppression hearing was on the morning of July 6, 2006 Los Angeles County Sheriff’s deputies investigated reports of people unlawfully camping along a county-owned river wash. Deputies found a tent in the river bed and detained two people who said that others were in a nearby tunnel. At the entrance to the tunnel, deputies heard running feet and breaking glass before they saw Sellers and two other people emerge. Deputy Steven Bave asked whether Sellers was on probation or parole. Sellers answered he believed he was on parole, which another deputy verified. About 12 feet inside the tunnel, Bave discovered a backpack, sleeping bag, blanket, and trash. Sellers denied owning the backpack. Bave searched the backpack and recovered parole papers in Sellers’s name, two glass methamphetamine pipes and a baggie containing methamphetamine.

We appointed counsel to represent him on appeal. After examination of the record, counsel filed an “Opening Brief” in which no issues were raised. On March 6, 2007, we advised Sellers he had 30 days within which to personally submit any contentions or issues that he wished us to consider. No response has been received to date.

We have examined the entire record, including the transcript of the suppression hearing, and are satisfied Sellers’s attorney has fully complied with the responsibilities of counsel and no arguable issues exist. (*Smith v. Robbins* (2000) 528 U.S. 259, 277-284 [120 S.Ct. 746, 145 L.Ed.2d 756]; *People v. Kelly* (2006) 40 Cal.4th 106, 112-113; *People v. Wende* (1979) 25 Cal.3d 436, 441.) The judgment is affirmed.

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**WOODS, J.**

**We concur:**

**PERLUSS, P. J.**

**ZELON, J.**